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¶ The publication of the Register has, this week, been deferred for a day or two, in order to furnish our distant subscribers with an early copy of the President's Message.

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EDITOR'S CABINET.

Washington, December 4.

SIXTEENTH CONGRESS.

FIRST SESSION.

As the first session of the Sixteenth Congress of the United States of America will commence on Monday next, we have thought we could not gratify our readers more than by publishing, in this day's Register, a list of all the Members which will compose that new Congress, with some few unavoidable omissions, which remain to be supplied by elections.

In giving to this list a *discriminative* political character, we do that which we think doth truly belong unto it; for however former party distinctions may have been calmed, they have not been extinguished, and have been distinctly acted upon in many of the elections. The *old Republican principles* are too good to be abandoned; and the discrimination can offend no one, unless it be such politicians as have no fixed principles whatever, and are willing to slide into the good graces of any party by watching opportunities and giving offence to none. A man who has formed to himself steady *honest* opinions on the requisite course of public measures, and adheres to them, will always be respectable, even in the eyes of his opponents; but your selfish Bouncers, or *Anythingarians*,—why, they are—as God has made them.

With these few observations, we present our List of Members of the Sixteenth Congress to the public; praying, with all sincerity of conscience, for the Lord to shower his graces upon them, and wishing them, for the benefit of their country, and the duration of this glorious republic, a *safe and happy delivery* of acts and resolutions at once wise in their origin and fortunate in their issue.

SENATE.

NEW-HAMPSHIRE.

David L. Morrill, terms end in 1823
*John F. Parrott, 1825

MASSACHUSETTS.

Prentiss Mellen,* 1821
Harrison G. Otis,* 1823

RHODE-ISLAND.

William Hunter,* 1821
James Burrill, Jr.* 1823

CONNECTICUT.

Samuel W. Dana,* 1821
*James Lanman, 1825

VERMONT.

Isaac Tichenor,* 1821
William A. Palmer, 1825

NEW-YORK.

Nathan Sanford 1821
1825

NEW JERSEY.

James J. Wilson, 1821
Mahlon Dickerson, 1823

PENNSYLVANIA.

Jonathan Roberts, 1821
*Walter Lowrie, 1825

DELAWARE.

Outterbridge Horsey,* 1821
Nicholas Vandyke,* 1823

MARYLAND.

1821
1825

VIRGINIA.

James Barbour, 1821
John W. Eppes, 1823

NORTH CAROLINA.

Montfort Stokes, 1823
Nathaniel Macon, 1825

SOUTH CAROLINA.

William Smith, 1823
John Gaillard, 1825

GEORGIA.

*Freeman Walker, 1823
*John Elliot, 1825

KENTUCKY.

John J. Crittenden, 1823
*William Logan, 1825

TENNESSEE.

John H. Eaton, 1821
John Williams, 1823

OHIO.

Benjamin Ruggles, 1821
*William A. Trimble, 1825

LOUISIANA.

Henry Johnson, 1823
*James Brown, 1825

INDIANA.

James Noble, 1821
Waller Taylor, 1825

MISSISSIPPI.

Walter Leake, 1821
Thomas H. Williams, 1823

ILLINOIS.

Jesse B. Thomas, 1823
Ninian Edwards, 1825

ALABAMA.

*John W. Walker,
*William R. King,

HOUSE OF REPRESENTATIVES.

NEW HAMPSHIRE—6.

*Joseph Buffum, Jun. Arthur Livermore,
Josiah Butler, *William Plumer, Jun.
Clifton Craggett, Nathaniel Upham.

MASSACHUSETTS—20.

Benjamin Adams* *Samuel Lathrop*
Samuel C. Allen* Enoch Lincoln
Joshua Cushman Jonathan Mason
*Edward Dowse Marcus Morton
Waiter Folger, jr. Jeremiah Nelson*
Timothy Fuller *James Parker
*Mark L. Hill Zabdiel Sampson
John Holmes Henry Shaw
Jonas Kendall Nathaniel Silsbee
Martin Kinsley Ezekiel Whitman

VERMONT—6.

Samuel C. Crafts Charles Rich
*Ezra Meech Mark Richards
Orsamus C. Merrill *William Strong

RHODE ISLAND—2.

*Samuel Eddy, *Nathaniel Hszard

CONNECTICUT—7.

*Henry W. Edwards *John Russ
*Samuel A. Foote *James Stevens
Jonathan O. Mosely *Gideon Tomlinson
*Elisha Phelps

NEW-YORK—27.

*Nathaniel Allen *Hermann Peck
*Caleb Baker *Nathaniel Pitcher
*Walter Case *Jonathan Richmond
*Robert Clark *Ebenezer Sage
*Jacob H. De Witt *Henry R. Storrs*
John D. Dickenson *Randall S. Street*
*John Fay *James Strong*
*William D. Ford *John W. Taylor
*Ezra C. Cross Caleb Tompkins
*Aaron Hackley, jr. *Albert H. Tracy
*George Hall *Sol. Van Renselaer*
*Joseph S. Lyman Peter H. Wendover
*Henry Meigs *Silas Wood*
*Robert Monell

NEW JERSEY—6.

Ephraim Bateman John Linn
Joseph Bloomfield *Bernard Smith
*John Condit Henry Southard

PENNSYLVANIA—23.

Henry Baldwin* *Jacob Humphreys
Andrew Boden William P. Maclay,
*William Darlington David Marchand
*George Dennison Robert Moore
*Samuel Edwards Samuel Moore
Thomas Forrest John Murray
*David Fullerton Thomas Patterson
*Samuel Gross *Robert Philson
Joseph Heister Thomas J. Rodgers
Joseph Hemphill John Sergeant*
*Jacob Hibsham James Wallace
Jacob Hostetter

DELAWARE—2.

William Hall Louis M'Lane.*

MARYLAND—9.

*Stephenson Archer *Ralph Neale*
Thomas Bayly* Samuel Ringgold
*Thomas Culbreth, Samuel Smith
*Joseph Kent, *Henry R. Warfield*
Peter Little.

VIRGINIA—23.

*Mark Alexander, *Severn E. Parker,
Wm. Lee Ball, James Pindall*
Philip P. Barbour, James Pleasants,
Wm. A. Burwell, *John Randolph,*
John Floyd, Ballard Smith,
Robert S. Garnett, Alexander Smyth,
James Johnson, George F. Strother,
*James Jones, *Thos. Van Swearingen,*
William McCoy, *George Tucker,
Charles F. Mercer,* John Tyler,
Hugh Nelson, *Jared Williams.
Thomas Newton,

NORTH CAROLINA—13.

*H. G. Burton, Lemuel Sawyer,
John Culpeper, Thomas Settle,
William Davidson, Jesse Stocumb,*
Weldon N. Edwards, James S. Smith,
Charles Fisher, Felix Walker,
Thomas H. Hall, Lewis Williams.*
*Charles Hooks,

SOUTH CAROLINA—9.

*Joseph Brevard, *James Overstreet,
Elias Earle, *Charles Pinckney,
James Ervin, Eldred Simkins,
William Lowndes, Sterling Tucker.
*John McCreary,

GEORGIA—6.

Joel Abbott, *John A. Cuthbert,
Thomas W. Cobb, Robert R. Reid,
Joel Crawford, William Terrell.

KENTUCKY—10.

Rich. C. Anderson, Jun.* Thomas Metcalfe,
*William Brown, Tunstall Quarles,
Henry Clay, George Robertson,
*Benjamin Hardin, David Trimble,
*Alsey McLean, David Walker.

TENNESSEE—6.

*Robert Allen, *John Cocke,
*Henry H. Bryan, Francis Jones,
*Newton Cannon, John Rhea.

OHIO—6.

Philemon Beecher,* Samuel Herrick,
*Henry Brush, *Thomas R. Ross,
John W. Camp *John Sloane,

LOUISIANA—Thomas Butler.

INDIANA—William Hendricks.

MISSISSIPPI—*Christopher Rankin.

ILLINOIS—*Daniel P. Cook.

ALABAMA—John Crowell.

DELEGATES FROM TERRITORIES.

MICHIGAN—*William Wendbridge.

MISSOURI—John Scott.

* (before) not members of last Congress.

* (after) Federalists.

o (do) neutrals.

Note—The election of E. Sage of N. York, will probably be contested by James G. Union, jun.

16TH CONGRESS—1st SESSION.

DECEMBER 6.

IN THE SENATE.

A quorum being present, and the House of Representatives being advised thereof, the Senate proceeded to business.

The usual resolutions respecting furnishing members with newspapers, &c. were adopted.

A resolution was also passed for the appointment of a Chaplain to the Senate, to interchange weekly with the Chaplain for the House of Representatives.

A committee of Enrolled Bills was ordered to be appointed, and Mr. Wilson was chosen the committee on the part of the Senate.

A committee of Accounts was appointed, consisting of Messrs. Roberts, Burrill, and Leake.

A committee on Engrossed Bills was appointed, consisting of Messrs. McLen, Dickerson, and Elliot.

The President laid before the Senate a copy of the Constitution of Government formed by the People of the State of Alabama, which was referred to a committee, consisting of Messrs. Williams of Mississippi, Brown, and Macon, to consider and report thereon.

A committee was then appointed on their part to wait on the President of the United States, and inform him they were ready to receive any communications he might think proper to make.

OFFICERS OF THE SENATE.

JAMES BARBOUR, President pro tem.

Charles Cutts, Secretary.

Montjoy Bayly, Sergeant at Arms.

Henry Tinn, Doorkeeper.

HOUSE OF REPRESENTATIVES, Dec. 6.

On calling over the roll it appeared that there were 133 members present, which being a quorum,

The House then proceeded to ballot for the office of Speaker, when Mr. HENRY CLAY, of Kentucky, was unanimously chosen; having 147 votes out of 153: the oath of office was administered to him by Mr. Newton, of Virginia; Mr. Clay then returned thanks in the following terms:—

GENTLEMEN:—Again called, by your favorable opinion, to the distinguished station to which I have been frequently assigned by that of your predecessors, I owe to you the expression of my most respectful thanks; and I pray you to believe that I feel inexpressible gratitude, as well for the honor itself as for the flattering manner in which it has been conferred. In our extensive confederacy, gentlemen, embracing such various and important relations; it must necessarily happen that each successive Session of the House of Representatives will bring with it subjects of the greatest moment. During that which we are now about to open, we have every reason to anticipate that the matters, which we shall be required to consider and to decide, possess the highest degree of interest. To give effect to our deliberations; to enable us to command the respect of those who may witness or be affected by them; and to entitle us to the affection and confidence of our constituents, the maintenance of order and decorum is absolutely necessary. Being quite sure that your own comfort, your sense of propriety, and the just estimate which you must make of the dignity which belongs to this House, will induce you to render to the Chair your cordial co-operation, I proceed to discharge its duties, with the sincere assurance of employing my best exertions to merit the choice which you have been pleased to make. And it will be to me the greatest happiness, if I should be so fortunate as to satisfy, in this respect, your expectations."

The members were then called over by states, and severally sworn to support the Constitution of the United States.

The following officers were unanimously re-appointed.

THOMAS DOUGHERTY, Clerk; THOMAS DUNN, Sergeant at Arms; THOMAS CLAXTON, Door Keeper, and BENJAMIN BENCH, Assistant Door Keeper.

DECEMBER 7.

A Message from the President of the U. States was delivered by his Secretary which was read by the clerk as follows:—

*Fellow-Citizens of the Senate,**and of the House of Representatives:*

The public buildings being advanced to a stage to afford accommodation for congress, I offer you my sincere congratulations on the recommencement of your duties in the Capitol.

In bringing to view the incidents most deserving attention, which have occurred since your last session, I regret to have to state, that several of our principal cities have suffered by sickness; that an unusual drought has prevailed in the middle and western states; and that a derangement has been felt in some of our monied institutions, which has proportionably affected their credit. I am happy, however, to have it in my power to assure you that health of our cities is now completely restored that the produce of the year, though less abundant than usual, will not only be amply sufficient for home consumption, but afford a large surplus, for the supply of the wants of other nations; & that the derangement in the circulating paper medium, by being left to those remedies which its obvious causes suggested; and the good sense and virtue of our fellow citizens, supplied, has diminished.

Having informed Congress; on the 27th of February last, that a treaty of amity, settlement and limits, had been concluded, in this city, between the United States and Spain, and ratified by the competent authorities of the former, full confidence was entertained that it would have been ratified by his Catholic Majesty, with equal promptitude, and a like earnest desire to terminate, on the conditions of that treaty, the differences which had so long existed between the two countries. Every view which the subject admitted of, was thought to have justified this conclusion—

Great losses had been sustained by citizens of the United States, from Spanish cruizers, more than twenty years before, which had not been redressed. These losses had been acknowledged and provided for by a treaty, as far back as the year 1802, which, although concluded at Madrid, was not then ratified by the government of Spain, nor since, until the last year, when it was suspended by the late treaty, a more satisfactory provision to both parties, as was presumed, having been made for them. Other differences had arisen in this long interval, affecting their highest interests, which were likewise provided for by this last treaty. The treaty, itself, was formed on great consideration, and a thorough knowledge of all circumstances, the subject

matter of every article having been for years under discussion, and repeated references having been made, by the minister of Spain, to his government, on the points respecting which the greatest difference of opinion prevailed. It was formed by a Minister duly authorized for the purpose, who had represented his government in the United States, and been employed in this long protracted negotiation, several years, and who, it is not denied, kept strictly within the letter of his instructions. The faith of Spain was therefore pledged, under circumstances of peculiar force and solemnity, for its ratification. On the part of the United States, this treaty was evidently acceded to in a spirit of conciliation and concession. The indemnity for injury and losses, so long before sustained, and now again acknowledged and provided for, was to be paid by them, without becoming a charge on the treasury of Spain. For territory ceded by Spain, other territory of great value, to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her.

This cession was, nevertheless, received as the means of indemnifying our citizens, in a considerable sum, the presumed amount of their losses. Other considerations, of great weight, urged the cession of this territory by Spain. It was surrounded by the territories of the United States, on every side, except on that of the ocean. Spain had lost her authority over it, and, falling into the hands of adventurers connected with the savages, it was made the means of unceasing annoyance and injury to our Union, in many of its most essential interests. By this cession, then, Spain ceded a territory, in reality, of no value to her, and obtained concessions of the highest importance, by the settlement of long standing differences with the United States, affecting their respective claims and limits, and likewise relieved herself from the obligation of a treaty, relating to it, which she had failed to fulfil, and also from the responsibility incident to the most flagrant and pernicious abuses of her rights, where she could not support her authority.

It being known that the treaty was formed under these circumstances, not a doubt was entertained that his Catholic Majesty would have ratified it without delay. I regret to have to state that this reasonable expectation has been disappointed; that the treaty was not ratified, within the time stipulated, and has not since been ratified. As it is important that the nature and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate

to you all the facts and circumstances, in my possession, relating to it.

Anxious to prevent all future disagreement with Spain, by giving the most prompt effect to the treaty, which had been thus concluded, and, particularly, by the establishment of a government in Florida, which should preserve order there, the minister of the United States, who had been recently appointed to his Catholic Majesty, and to whom the ratification, by his government, had been committed, to be exchanged for that of Spain, was instructed to transmit the latter to the Department of State, as soon as obtained, by a public ship, subjected to his order for the purpose. Unexpected delay occurring, in the ratification, by Spain, he requested to be informed of the cause: It was stated, in reply, that the great importance of the subject, and a desire to obtain explanations on certain points, which were not specified, had produced the delay, and that an Envoy would be despatched to the United States, to obtain such explanations of this government. The Minister of the U. States offered to give full explanation on any point, on which it might be desired; which proposal was declined. Having communicated this result to the Department of State, in August last, he was instructed, notwithstanding the disappointment and surprise, which it produced, to inform the government of Spain, that, if the treaty should be ratified, and transmitted here at any time before the meeting of Congress, it would be received, and have the same effect, as if it had been ratified in due time. This order was executed; the authorized communication was made to the government of Spain, and by its answer, which has just been received, we are officially made acquainted, for the first time, with the causes which have prevented the ratification of the treaty, by his Catholic Majesty. It is alleged by the minister of Spain; that this government had attempted to alter one of the principal articles of the treaty, by a declaration, which the Minister of the United States had been ordered to present, when he should deliver the ratification by his government, in exchange for that of Spain, and of which he gave notice, explanatory of the sense in which that article was understood. It is further alleged that this government had recently tolerated, or protected, an expedition from the United States, against the province of Texas. These two imputed acts, are stated as the reasons which have induced his Catholic Majesty to withhold his ratification from the treaty, to obtain explanations, respecting which, it is repeated, that an envoy would be forthwith despatched to the United

States. How far these allegations will justify the conduct of the government of Spain, will appear, on a view of the following facts, and the evidence which supports them.

It will be seen by the documents transmitted herewith, that the declaration mentioned relates to a clause in the 8th article concerning certain grants of land, recently made by his Catholic Majesty, in Florida, which, it was understood, had conveyed all the lands, which, till then had been ungranted. It was the intention of the parties to annul these latter grants, and that clause was drawn for that express purpose, and for none other.

The date of these grants was unknown, but it was understood to be posterior to that inserted in the article: indeed, it must be obvious to all, that, if that provision in the treaty had not the effect of annulling these grants, it would be altogether nugatory. Immediately after the treaty was concluded, and ratified by this government, an intimation was received that these grants were of anterior date to that fixed on by the treaty; and that they would not, of course, be affected by it. The mere possibility of such a case, so inconsistent with the intention of the parties, and the meaning of the article, induced this government to demand an explanation on the subject, which was immediately granted, and which corresponds with this statement. With respect to the other act alleged, that this government had tolerated, or protected an expedition against Texas, it is utterly without foundation. Every discountenance has invariably been given to every such attempt from within the limits of the United States, as is fully evinced by the acts of the government, and the proceedings of the courts.

There being cause, however, to apprehend, in the course of the last summer, that some adventurers entertained views of the kind suggested, the attention of the constituted authorities in that quarter was immediately drawn to them, and it is known that the project, whatever it might be, has utterly failed.

These facts will, it has presumed, satisfy every impartial mind, that the government of Spain had no justifiable cause for declining to ratify the treaty. A treaty concluded in conformity with instructions is obligatory, in good faith, in all its stipulations, according to the true intent and meaning of the parties. Each party is bound to ratify it. If either could set it aside, without the consent of the other, there would be, no longer, any rules applicable to such transactions between nations. By this proceeding, the government of Spain has rendered to the United States a new and very serious injury. It has been

stated, that a Minister would be sent, to ask certain explanations of this government.—But, if such were desired, why were they not asked within the time limited for ratification? Is it contemplated to open a new negotiation respecting any of the articles or conditions of the treaty? If that were done, to what consequences might it not lead? At what time and in what manner would a new negotiation terminate? By this proceeding, Spain has formed a relation between the two countries which will justify any measures on the part of the United States, which a strong sense of injury, and a proper regard for the rights and interests of the nation may dictate. In the course to be pursued, these objects should be constantly held in view, and have their due weight. Our national honor must be maintained, and a new and a distinguished proof be afforded of that regard for justice and moderation, which has invariably governed the councils of this free people. It must be obvious to all, that if the United States had been desirous of making conquests, or had been even willing to aggrandize themselves in that way, they could have had no inducement to form this treaty. They would have much cause for gratulation, at the course which has been pursued by Spain. An ample field for ambition is open before them.—But such a career is not consistent with the principles of their government, nor the interests of the nation.

From a full view of all circumstances it is submitted to the consideration of Congress, whether it will not be proper for the United States to carry the conditions of the treaty into effect in the same manner as if it had been ratified by Spain; claiming, on their part all the advantages, and yielding to Spain those secured to her. By pursuing this course we shall rest on the sacred ground of right, sanctioned, in the most solemn manner, Spain herself, by a treaty she was bound to ratify, for refusing to do which she may incur the censure of other nations, even those most friendly to her; while, by confining ourselves within that limit, we cannot fail to obtain their well merited approbation. We must have peace on a frontier where we have been so long disturbed, our citizens must be indemnified for losses so long since sustained and for which indemnity has been so long unjustly withheld from them. Accomplishing these great objects we obtain all that is desirable.

But his Catholic Majesty has twice declared his determination to send a minister to the United States, to ask explanations on certain points, and to give them respecting his delay

to ratify the treaty. Shall we act, by taking the ceded territory, and proceeding to execute the other conditions of the treaty, before this Minister arrives and is heard? This is a case which forms a strong appeal to the candor; the magnanimity and honor of this people. Much is due to courtesy between nations. By a short delay, we shall lose nothing; for, resting on the ground of immutable truth and justice, we cannot be diverted from our purpose. It ought to be presumed that the explanations which may be given to the Minister of Spain, will be satisfactory and produce the desired result. In any event, the delay, for the purpose mentioned, being a further manifestation of the sincere desire to terminate in the most friendly manner all differences with Spain, cannot fail to be duly appreciated by his Catholic Majesty, as well as by other powers. It is submitted therefore, whether it will not be proper to make the law proposed for carrying the conditions of the treaty into effect, should it be adopted, contingent; to suspend its operation upon the responsibility of the Executive, in such manner, as to afford an opportunity for such friendly explanations as may be desired during the present session of Congress.

I communicate to Congress a copy of the treaty, and of the instructions to the Minister of the United States at Madrid respecting it, of his correspondence with the Minister of Spain, and, of such other documents as may be necessary to give a full view of the subject.

In the course which the Spanish government have, on this occasion, thought proper to pursue, it is satisfactory to know that they have not been countenanced by any other European power. On the contrary, the opinion and wishes, both of France and Great Britain have not been withheld, either from the United or from Spain; and have been unequivocal in favor of the ratification. There is also, reason to believe that the sentiments of the imperial government of Russia have been the same, and that they have also been made known to the cabinet of Madrid.

In the civil war existing between Spain and the Spanish provinces in this hemisphere, the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. Our ports have continued to be equally open to both parties, and on the same conditions; and our citizens have been equally restrained from interfering in favour of either, to the prejudice of the other. The progress of the war, however, has operated manifestly in favor of the colonies. Buenos Ayres still maintains unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has also lately attended Chili,

and the provinces north of the La Plata, bordering on it, and likewise Venezuela.

This contest has, from its commencement, been very interesting to other powers, and to none more so than to the United States. A virtuous people may, and will, confine themselves within the limit of a strict neutrality; but it is not in their power to behold a conflict so vitally important to their neighbors, without the sensibility and sympathy which naturally belong to such a case. It has been the steady purpose of this government, to prevent that feeling leading to excess, and it is very gratifying to have it in my power to state that, so strong has been the sense throughout the whole community, of what was due to the character and obligations of the nation, that few examples of a contrary kind have occurred.

The distance of the colonies from the parent country, and the great extent of their population and resources, gave them advantages which it was anticipated at a very early period, it would be difficult for Spain to surmount. The steadiness, consistency, and success, with which they have pursued their object, as evinced more particularly by the undisturbed sovereignty which Buenos Ayres has so long enjoyed, evidently give them a strong claim to the favorable consideration of other nations. These sentiments, on the part of the United States, have not been withheld from other powers, with whom it is desirable to act in concert. Should it become manifest to the world that the efforts of Spain to subdue these provinces will be fruitless, it may be presumed that the Spanish government itself will give up the contest. In producing such a determination, it can not be doubted that the opinion of friendly powers, who have taken no part in the controversy, will have their merited influence.

It is of the highest importance to our national character, and indispensable to the morality of our citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws; no opportunity afforded to any who may be disposed to take advantage of it, to compromise the interest or honor of the nation. It is submitted, therefore, to the consideration of Congress, whether it may not be advisable to revise the laws, with a view to this desirable result.

It is submitted, also, whether it may not be proper to designate, by law, the several ports or places along the coast, at which, only, foreign ships of war and privateers may be admitted. The difficulty of sustaining the regulations of our commerce, and of other important interests from abuse, without such de-

signation, furnishes a strong motive for this measure.

At the time of the negotiation for the renewal of the commercial convention, between the United States and Great Britain, a hope had been entertained that an article might have been agreed upon, mutually satisfactory to both countries regulating, upon principles of justice and reciprocity, the commercial intercourse between the United States and the British possessions, as well in the West Indies, as upon the continent of North America. The plenipotentiaries of the two governments, not having been able to come to an agreement on this important interest, those of the United States reserved for the consideration of our government the proposals which had been presented to them, as the ultimate offer on the part of the British government, and which they were not authorised to accept. On their transmission here, they were examined with due deliberation, the result of which was a new effort to meet the views of the British government. The Minister of the United States was instructed to make a further proposal, which has not been accepted. It was, however, declined in an amicable manner. I recommend to the consideration of congress, whether further prohibitory provisions in the laws relating to this intercourse, may not be expedient. It is seen with interest, that, although it has not been practicable, as yet, to agree in any arrangement of this important branch of their commerce, such is the disposition of the parties, that each will view any regulations, which the other may make respecting it, in the most friendly light.

By the fifth article of the convention, concluded on the 20th of October, 1818, it was stipulated that the differences which had arisen between the two governments, with regard to the true intent and meaning of the fifth article of the treaty of Ghent, in relation to the carrying away, by British officers, of slaves from the United States, after the exchange of the ratifications of the treaty of peace, should be referred to the decision of some friendly sovereign or state, to be named for that purpose. The Minister of the United States has been instructed to name to the British government, a foreign, sovereign, the common friend to both parties, for the decision of this question. The answer of that government to the proposal, when received, will indicate the further measures to be pursued on the part of the United States.

Although the pecuniary embarrassments which affected various parts of the Union, during the latter part of the preceding year, have, during the present, been considerably augmented, and still continue to exist, the receipts in the Treasury, to the

30th of September last, have amounted to \$19,000,000. After defraying the current expenses of the government, including the interest and reimbursement of the public debt, payable to that period amounting to \$18,200,000, there remained in the Treasury, on that day, more than \$2,500,000, which, with the sums receivable during the remainder of the year, will exceed the current demands upon the Treasury for the same period.

The causes which have tended to diminish the public receipts, could not fail to have a corresponding effect upon the revenue, which has accrued upon imports and tonnage, during the three first quarters of the present year; it is, however, ascertained that the duties, which have been secured during that period, exceed 18,000,000 dollars, and those of the whole year will probably amount to 23,000,000 dollars.

For the probable receipts of the next year, I refer you to the statements which will be transmitted from the Treasury, which will enable you to judge whether further provision be necessary.

The great reduction in the price of the principal articles of domestic growth, which has occurred during the present year, and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufactures, have not shielded them against other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the nation, have been no less adverse to our manufacturing establishments in several sections of the Union. The great reduction of the currency, which the banks have been constrained to make, in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the advantages resulting from the reduction of the prices of the raw materials, and of labor, have compelled the banks to withdraw from them a portion of the capital heretofore advanced to them. That aid which has been refused by the banks, has not been obtained from other sources, owing to the loss of individual confidence, from the failures which have recently occurred in some of our principal commercial cities.

An additional cause of the depression of these establishments may probably be found in the pecuniary embarrassments which have recently affected those countries with which our commerce has been principally prosecuted.

Their manufactures, for the want of a ready or profitable market at home, have been shipped by the manufactures to the United States, and, in many instances, sold at a price below their current value at the place of manufactures. Although this practice may, from its nature, be considered temporary, or contingent, it is not on that account less injurious in its effects. Uniformity, in the demand and price of an article, is highly desirable to the domestic manufacturer.

It is deemed of great importance to give encouragement to our domestic manufacturers. In what manner the evils adverted to may be remedied, and how far it may be practicable, in other respects, to afford them further encouragement, paying due regard to the other great interests of the nation, is submitted to the wisdom of Congress.

The survey of the coast, for the establishment of gratifications, is now nearly completed, and considerable progress has been made in the collection of materials for the construction of fortifications in the

Gulph of Mexico, and in the Chesapeake Bay.—The works on the Eastern bank of the Potomac, below Alexandria, and on the Pea Patch in the Delaware, are much advanced, and it is expected that the fortification at the Narrows, in the harbor of New-York, will be completed the present year.—To derive all the advantages contemplated from these fortifications, it was necessary that they should be judiciously posted, and constructed with a view to permanence. The progress, hitherto, has therefore been slow; but, as the difficulties, in parts heretofore the least explored and known, are surmounted, it will, in future, be more rapid. As soon as the survey of the coast is completed, which, it is expected, will be done early in the next spring, the engineers employed in it will proceed to examine, for like purposes, the northern and north western frontiers.

The troops, intended to occupy a station at the mouth of the St. Peters, on the Mississippi, have established themselves there, and those which were ordered to the mouth of the Yellow Stone, on the Missouri, have ascended that river to the Council Bluff, where they will remain until next spring, when they will proceed to the place of their destination. I have the satisfaction to state that this measure has been executed in amity with the Indian tribes, and that it promises to produce, in regard to them, all the advantages, which were contemplated by it.

Much progress has likewise been made in the construction of ships of war, and in the collection of timber and other materials for ship building. It is not doubted that our navy will soon be augmented to the number, and placed in all respects, on the footing, provided for by law.

The board, consisting of engineers and naval officers, have not yet made their final report, of sites for two naval depots, as instructed, according to the resolutions of March 18th, and April 20th, 1818; but they have examined the coast therein designated, and their report is expected in the next month.

For the protection of our commerce in the Mediterranean; along the Southern Atlantic coast; in the Pacific and Indian ocean, it has been found necessary to maintain a strong naval force, which it seems proper for the present to continue. There is much reason to believe, that, if any portion of the squadron, heretofore stationed in the Mediterranean, should be withdrawn, our intercourse with the powers, bordering on that sea, would be much interrupted, if not altogether destroyed. Such, too, has been the growth of a spirit of piracy, in the other quarters mentioned, by adventurers from every country, in abuse of the friendly flags which they have assumed, that, not to protect the commerce there, would be to abandon it as a prey to their rapacity. Due attention has likewise been paid to the suppression of the slave trade, in compliance with the law of the last session. Orders have been given to the commanders of all our public ships, to seize all vessels, navigated under our flag, engaged in that trade, and to bring them in, to be proceeded against, in the manner prescribed by that law.

It is hoped that these vigorous measures, supported by like acts by other nations, will soon terminate a commerce so disgraceful to the civilized world.

In the execution of the duty imposed by these acts, and of a high trust connected with it, it is with deep regret I have to state the loss which has

been sustained by the death of Commodore Perry. His gallantry, in a brilliant exploit, in the late war, added to the renown of his country. His death is deplored as a national misfortune.

JAMES MONROE.

Washington, Dec. 7, 1819.

On motion, the reading of the Documents accompanying the Message was dispensed with, and 5000 copies of each were ordered to be printed.

To-morrow the House will proceed to the election of Chaplain.

—
We are sorry to learn that owing, to ill health, Mr. EPPES, a Senator in Congress from Virginia, has resigned, or about to resign, his seat, Nat. Int.

—
Don MATEO DE LA SERNA, Charge des Affaires of the King of Spain to the United States, arrived at the seat of government on Monday last.

OFFICIAL.

Notice has been received at the Department of State, of the deaths of the following American seamen, in the hospitals of St. Pierre and Fort Royal.

FORT ROYAL.

John Gray, ship Mungo, (wrecked) Oct. 7, 1818.
James Higgins, boy, ship Mary Jane, capt. Snow, Dec. 10, 1818.

Thomas Wangell, brig Antelope, capt. Ithodes, Oct. 14, 1818.

George Bacchus, do. do. Oct. 15,
— Alexander, schr. Mary, Feb. 4, 1819.

ST. PIERRE.

Sylvanus Ayeau, ship America, captain Nathan, Dec. 6, 1818.

James Stavard, alias Hood, French brig Three Friends, capt. Morel, Dec. 21, 1818.

William Brown, schr. Florence, March 6, 1819.

APPOINTMENTS BY THE PRESIDENT.

—
ROGER SKINNER, of New-York, to be Judge of the United States in and for the Northern District of New-York, vice M. B. Tallmadge, resigned.

JACOB SUTHERLAND, of New-York, to be Attorney of the United States in and for the Northern District of New-York, vice Roger Skinner, appointed Judge.

—
Major General SCOTT, family and suite, arrived in Philadelphia on Friday last. We understand that the general intends to establish his quarters in that city.

—
Col. Lyon of Kentucky intends to renew his application to congress for a redress of injuries and losses he sustained under the operation of the odious Sedition Law.

THE MISSOURI QUESTION

From the New York Evening Post of Nov. 25.

This evening we have the great satisfaction of beginning the publication of Mr. King's Observations in the Senate of the United States on the the exclusion of slavery from the State of Missouri. Perhaps no question since the adoption of our form of government has ever been attended with more important consequences or more agitated the feelings of the southern section of the Union, or will eventually more excite those of the northern. The subject, therefore, commands the serious attention of every reader.

JAMAICA, (L. I.) Nov. 22, 1819.

Gentlemen—Conformably to your request in behalf of the committee appointed by the late meeting in the city, on the business of the Missouri Bill, I have the honor to send to you the substance of two speeches that I delivered in the Senate of the United States, when this bill was under its consideration.

As my notes are imperfect, I may have omitted some remarks made on that occasion, and added others which were not made; the communication however contains the substance of my observations, and present opinions on this important subject—I am particularly anxious not to be misunderstood in this case, never having thought myself at liberty to encourage, or to assent to any measure that would affect the security of property in slaves, or tend to disturb the political adjustment which the constitution has established respecting them: I desire to be considered as still adhering to this reserve; and that the observations, which I send you, should be construed to refer, and to be confined, to the prohibition of slavery in the new states, to be formed beyond the original limits of the United States—a prohibition, which in my judgement congress have the power to establish, and the omission of which may, as I fear, be productive of most serious consequences.

With great respect and esteem, I have the honor to be, gentlemen, your most obedient servant,
RUFUS KING.
Messrs. John B. Coles, and John T. Irving, chairman and secretary of the committee appointed by the late city meeting respecting the Missouri bill.

The observations follow:

The substance of two speeches on the Missouri bill, delivered by Mr. King, in the Senate of the United States, during their last session.

The constitution declares "that Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property of the U. States." Under this power, congress have passed laws

for the survey and sale of the public lands, for the division of the same into separate territories, and have ordained for each of them a constitution, a plan of temporary government, whereby the civil and political rights of the inhabitants are regulated, and the rights of conscience and other natural rights are protected.

The power to make all needful regulations, includes the power to determine what regulations are needful, and if a regulation prohibiting slavery within any territory of the United States be, as it has been, deemed needful, congress possess the power to make the same, and moreover to pass all laws necessary to carry this power into execution.

The territory of Missouri is a portion of Louisiana, which was purchased of France, and belongs to the U. States in full dominion; in the language of the constitution, Missouri is their territory, or property, and is subject, like other territories of the United States, to the regulations and temporary government, which has been, or shall be prescribed by congress. The clause of the constitution, which grants this power to congress, is so comprehensive, and unambiguous, and its purpose so manifest, that commentary will not render the power, or the object of its establishment, more explicit or plain.

The constitution further provides, that "new states may be admitted by congress into the union"—As this power is conferred without limitation, the time, terms, and circumstances of the admission of new states are referred to the discretion of congress; which may admit new states, but are not obliged to do so—of right no new state can demand admission into the union, unless such demand be founded upon some previous engagement of the U. States.

When admitted by congress into the union, whether by compact or otherwise, the new state becomes entitled to the enjoyment of the same rights, and bound to perform the like duties as the other states; and its citizens will be entitled to all privileges and immunities of citizens in the several states.

The citizens of each state possess rights, and owe duties that are peculiar to, and arise out of the constitution and laws of the several states. These rights and duties differ from each other in the different states, and among these differences none is so remarkable or important as that which proceeds from the constitution and laws of the several states respecting slavery; the same being permitted in some states, and forbidden in others.

The question respecting slavery in the old thirteen states had been decided and settled before the adoption of the constitution, which

grants no power to congress to interfere with, or to change what had been so previously settled—the slave states therefore, are free to continue or to abolish slavery. Since the year 1803, congress has possessed power to prohibit and have prohibited the further migration or importation of slaves into any of the old thirteen states, and at all times under the constitution have had power to prohibit such migration or importation into any of the new states or territories of the United States.—The constitution contains no express provisions respecting slavery in a new state that may be admitted into the union: every regulation upon this subject belongs to the power whose consent is necessary to the formation and admission of such state. Congress may therefore, make it a condition of the admission of a new state, that slavery shall be forever prohibited within the same. We may with the more confidence, pronounce this to be the construction of the constitution, as it has been so amply confirmed by the past decisions of Congress.

Although the articles of confederation were drawn up and approved by the old congress in the year 1777, and soon afterwards were ratified by some of the states, their complete ratification did not take place until the year 1781. The states which possessed small and already settled territory, withheld their ratification, in order to obtain from the large states a cession to the United States of a portion of their vacant territory. Without entering into the reasons on which this demand was urged, it is well known that they had an influence on Massachusetts, Connecticut, New York and Virginia, which states ceded to the United States their respective claims to the territory lying north west of the river Ohio. This cession was made on the express condition, that the ceded territory should be sold for the common benefit of the United States; that it should be laid out into states, and that the states so laid out should form distinct republican states, and be admitted as members of the federal union, having the same rights of sovereignty, freedom, and independence as the other states! Of the four states which made this cession, two permitted, and the other prohibited slavery.

The U. States having in this manner become proprietors of the extensive territory north west of the river Ohio, although the confederation contained no express provision upon the subject, Congress the only representation of the United States, assumed, as incident to their office, the power to dispose of this territory; and for this purpose, to divide the same into distinct states to provide for the temporary government of the inhabitants

thereof, and for their ultimate admission, as new states, into the federal union.

The ordinance for these purposes, which was passed by congress in 1787, contains certain articles which are called—"Articles of compact between the original states, and the people and states within the said territory, forever to remain unalterable unless by common consent." The sixth of those unalterable articles provides, "that there shall be neither slavery nor involuntary servitude in the said territory."

The constitution of the United States supplies the defect that existed in the articles of confederation, and has vested congress, as has been stated, with ample powers on this important subject. Accordingly, the ordinance of 1787, passed by the old congress, was ratified and confirmed by an act of the new congress, during their first session under the constitution.

The state of Virginia, which ceded to the U. States her claims to this territory, consented by her delegates in the old congress, to this ordinance.—Not only Virginia, but North Carolina, South Carolina and Georgia by the unanimous votes of their delegates in the old congress, approved of the ordinance of 1787, by which slavery is forever abolished in the territory north west of the river Ohio. Without the votes of these States, the ordinance could not have passed; and there is no recollection of an opposition from any of these states to the act of confirmation, passed under the actual constitution. Slavery had long been established in these states—the evil was felt in their institutions, laws, and habits, and could not easily or at once be abolished. But these votes so honourable to these states satisfactorily demonstrate their unwillingness to permit the extension of slavery into the new states which might be admitted by congress into the union.

The states of Ohio, Indiana, and Illinois on the north west of the river Ohio, have been admitted by congress into the Union, on the condition and conformably to the articles of compact, contained in the ordinance of 1787, and by which it is declared that there shall be neither slavery nor involuntarily servitude in any of the said states.

Although congress possess the power of making the exclusion of slavery a part or condition of the act admitting a new state into the union, they may in special cases, and for sufficient reasons, forbear to exercise this power. Thus Kentucky and Vermont were admitted as new states into the union, without making the abolition of slavery the condition of their admission. In Vermont slavery never existed

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her laws excluding the same. Kentucky was formed out of, and settled by Virginia, and the inhabitants of Kentucky equally with those of Virginia; by fair interpretation of the constitution, were exempt from all such interference of congress, as might disturb or impair the security of their property in slaves. The Western Territory of North Carolina and Georgia having been partially granted and erected under the authority of these states, before the cession thereof to the United States, and these states being original parties to the constitution which recognises the existence of slavery, no measure restraining slavery could be applied by congress to this territory. But to remove all doubts on this head, it was made a condition of the cession of this territory to the U. States, that the ordinance of 1787, except the sixth article thereof, respecting slavery, should be applied to the same; and that the sixth article should not be so applied.

Accordingly, the states of Tennessee, Mississippi, and Alabama, comprehending the territory ceded to the United States by North Carolina and Georgia, have been admitted, as new states, into the Union, without a provision by which slavery shall be excluded from the same. According to this abstract of the proceedings of congress in the admission of new states into the union, of the eight new states within the original limits of the United States, four have been admitted without an article excluding slavery; three have been admitted on the condition that slavery should be excluded; and one admitted without such condition. In the four first cases, congress, were restrained from increasing the power to exclude slavery; in the next three, they exercised this power; and in the last, it was unnecessary to do so, slavery being excluded by the state constitution.

The province of Louisiana, soon after its cession to the United States, was divided into two territories, comprehending such parts thereof as were contiguous to the river Mississippi, being the only parts of the province that were inhabited. The foreign language, laws, customs, and manners of the inhabitants, required the immediate and cautious attention of congress, which, instead of extending, in the first instance, to these territories the ordinance of 1787, ordained special regulations for the government of the same. These regulations were from time to time revised and altered, as observation and experience shewed to be expedient and as was deemed most likely to encourage and promote those changes which would sooner qualify the inhabitants for self-government and admission into the union. When the United States took possession of the province of Louisiana, in 1804, it was es-

timated to contain fifty thousand white inhabitants, forty thousand slaves and two thousand free persons of colour.* More than four fifths of the whites, and all the slaves, except about thirteen hundred, inhabited New Orleans and the adjacent territory; the residue, consisting of less than ten thousand whites, and about thirteen hundred slaves, were dispersed throughout the country now included in the Arkansas and Missouri territories.—The greater part of the thirteen hundred slaves were in the Missouri territory, some of them having been removed thither from the old French settlements on the east side of the Mississippi, after the passing of the ordinance of 1787, by which slavery in those settlements was abolished.

In 1812, the territory of New Orleans, to which the ordinance of 1787, with the exception of certain parts thereof, had been previously extended, was permitted by congress to form a constitution and state government, and admitted as a new state into the union, by the name of Louisiana. The acts of congress for these purposes, in addition to sundry important provisions respecting rivers and public lands, which are declared to be irrevocable, unless by common consent, annex other terms and conditions whereby it is established, not only that the constitution of Louisiana should be republican, but that it should contain the fundamental principles of religious liberty, that it should secure to the citizens the trial by jury in all criminal cases, and the privilege of the writ of habeas corpus according to the constitution of the United States; and after its admission into the union, that the laws which Louisiana might pass, should be promulgated; its records of every description preserved; and its judicial and legislative proceedings conducted in the language in which the laws and judicial proceedings of the United States are published and conducted.

Guards so friendly to the rights of the citizens, and restraints on the state sovereignty so material to the gradual confirmation and security of their liberties, demonstrate the extensive and parental power of congress; powers, the wise exercise of which, on this occasion, is not confined to the inhabitants of the new state, but reaches and protects the rights of the citizens of all the states. The habits of the people and the number of slaves by whom the labor of the territory of New Orleans was performed, were doubtless the ren-

* This estimate was too high, as by the census of 1810, the whole province was found to contain only 97,000 inhabitants viz:—51,000 whites, 37,000 slaves, 8,000 free persons of colour.

son for the omission of an article in the act of admission, by which slavery should be excluded from the new state.

Having annexed these new and extraordinary conditions to the act for the admission of Louisiana into the union, congress may, if they shall deem it expedient, annex the like conditions to the act for the admission of Missouri; and moreover, as in the case of Ohio, Indiana, and Illinois, provide by an article for that purpose, and slavery shall not exist within the same.

Admitting this construction of the constitution, it is alleged that the power by which congress, excluded slavery from the states north east of the river Ohio, is suspended in respect to the states that may be formed in the province of Louisiana. The article of the treaty referred to declares "That the inhabitants of the territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all rights, advantages and immunities of citizens of the United States; and in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Although there is a want of precision in the article, its scope and meaning cannot be misunderstood. It constitutes a stipulation, by which the United States engage that the inhabitants of Louisiana should be formed into a state or states, and as soon as the provisions of the constitution permit, that they shall be admitted as new states into the union, on the footing of the other states; and before such admission, and during their territorial government, that they shall be maintained and protected by congress in the enjoyment of their liberty, property and religion. The first clause of this stipulation will be executed by the admission of Missouri as a new state into the Union, as such admission will impart to the inhabitants of Missouri "all the rights, advantages and immunities" which citizens of the United States derive from the constitution thereof;—these rights may be denominated federal rights. are uniform throughout the Union, and are common to all its citizens: But the rights derived from the constitution and laws of the states, which may be denominated state rights, in many particulars differ from each other. Thus, while the federal rights of the citizens of Massachusetts and Virginia are the same, their state rights are however dissimilar, slavery being forbidden in one, and permitted in the other state.—This difference arises out of the constitutions and laws of the two states, in the same manner as the differ-

ence in the rights of the citizens of these states to vote for representatives in congress arises out of the state laws and constitution. In Massachusetts, every person of lawful age, and possessing property, of any sort, of the value of two hundred dollars, may vote for representatives to congress. In Virginia, no person can vote for representatives to congress unless he be a freeholder. As the admission of a new state into the Union confers upon its citizens only the rights denominated federal, and as these are common to the citizens of all the states, as well of those in which slavery is prohibited, as of those in which it is allowed, it follows that the prohibition of slavery in Missouri will not impair the federal rights of its citizens, and that such prohibition is not restrained by the clause of the treaty which has been cited.

The remaining clause of the article is expressly confined to the period of the territorial government of Missouri, to the time between the first occupation of the country by the United States, and its admission as a new state into the Union. Whatever may be its import it has no reference nor application to the terms of the admission, or to the condition of Missouri after it shall have been admitted into the Union. The clause is but the common formula of treaties, by which inhabited territories are passed from one sovereign to another; its object is to secure such inhabitants the permanent or temporary, enjoyment of their former liberties, prosperity and religion; leaving to the new sovereign full power to make such regulations respecting the same, as may be thought expedient, provided these regulations be not incompatible with the stipulated security.

What were the liberties under the French government, the enjoyment of which under ours called for protection, we are unable to explain; as the United States have no power to prevent the free enjoyment of the Catholic religion, no stipulation against their interference to disturb it could be necessary; and the only part of the clause whose object can be readily understood is that relative to "property."

As all nations do not permit slavery, the term property in its common and universal meaning does not include or describe slaves. In treaties therefore between nations, and especially in those of the United States, whenever stipulations respecting slaves were to be made, the word "negroes," or "slaves," have been employed, and the omission of these words in this clause, increases the uncertainty whether by the term property, slaves were intended to be included. But admitting that

such was the intention of the parties, the stipulation is not only temporary, but extends no further than to the property actually possessed by the inhabitants of Missouri, when it was first occupied by the United States. Property since acquired by them, and property acquired or possessed by the new inhabitants of Missouri, has in each case been acquired under the laws of the United States, and not during and under the laws of the province of Louisiana. Should therefore the future introduction of slaves into Missouri be forbidden, the feelings of the citizens would soon become reconciled to their exclusion, and the inconsiderable number of slaves owned by the inhabitants at the date of the cession of Louisiana, would be emancipated or sent for sale into states where slavery exists.

It is further objected, that the article of the act of admission into the union, by which slavery should be excluded from Missouri, would be nugatory, as the new state in virtue of its sovereignty, would be at liberty to revoke its consent, and annul the article by which slavery should be excluded.

Such revocation would be contrary to the obligations of good faith, which enjoins the observance of our engagements—it would be repugnant to the principles upon which government itself is founded. Sovereignty in every lawful government is a limited power, and can do only what it is lawful to do—sovereigns, like individuals, are bound by their engagements, and have no moral power to break them. Treaties between nations repose on this principle. If the new state can revoke and annul any article constructed between itself and the United States by which slavery is excluded from it, it may revoke and annul any other article of the compact; it may for example annul the article respecting public lands, and in virtue of its sovereignty, assume the right to tax and to sell the lands of the U. States.

There is yet a more satisfactory answer to this objection. The judicial power of the U. States is co-extensive with their legislative power, and every question arising under the constitution or laws of the U. States, is cognizable by the judiciary thereof. Should the new state rescind any of the articles of compact contained in the act of admission into the union, that for example by which slavery is excluded, and should pass a law authorising slavery, the judiciary of the U. States, on proper application, would immediately deliver from bondage, any person detained as a slave in said state; and in like manner, in all instances affecting individuals, the judiciary might be employed to violate the constitution and laws of the U. States.

If Congress possess the power to exclude slavery from Missouri, it still remains to be shown that they ought do so. The examination of this branch of the subject, for obvious reasons, is attended with peculiar difficulty, and cannot be made without passing over arguments which to some of us might appear to be decisive, but the use of which in this place, would call up feelings, the influence of which would disturb, if not defeat, the impartial consideration of the subject.

Slavery unhappily exists within the United States. Enlightened men in the states where it is permitted, and every where out of them, regret its existence among us, and seek for the means of limiting and of mitigating it.—The first introduction of slaves is not imputable to the present generation, nor even to their ancestors. Before the year 1642, the trade and ports of the colonies were open to foreigners equally as those of the mother country, and as early as 1620, a few years only after the planting of the colony of Virginia, and the same year in which the first settlement was made in the old colony of Plymouth, a cargo of negroes was brought into, and sold as slaves in Virginia by a foreign ship.* From this beginning the importation of slaves was continued for nearly two centuries. To her honor Virginia, while a colony, opposed the importation of slaves, and was the first state to prohibit the same, by a law passed for this purpose in 1773, thirty years before the general prohibition enacted by congress in 1808.—The laws and customs of the states in which slavery has existed for so long a period, must have had their influence on the opinions and habits of the citizens, which ought not to be disregarded on the present occasion.

Omitting therefore the arguments which might be urged, and which by all of us might be deemed conclusive, were this an original question, the reasons which shall be offered in favor of the interposition of the power of congress to exclude slavery from Missouri, shall be only such as respect the common defence, the general welfare, and that wise administration of the government which as far as possible may produce the impartial distribution of benefits and burdens throughout the union.

By the article of confederation the common treasury was to be supplied by the several states according to the value of the lands, with the houses and improvements thereon, within the respective states. From the difficulty in making this valuation, the old Congress were unable to apportion the requisitions for the supply of the general treasury, and obliged the states to propose an alteration of

*Sith's History of Virginia.

the articles of confederation, by which the whole number of free persons, with three-fifths of the slaves, contained in the respective states, should become the rule of such apportionment of taxes. A majority of the states approved of this alteration, but some of them disagreed to the same; and for want of a practicable rule of apportionment, the whole of the requisitions of taxes made by Congress during the revolutionary war, and afterwards, up to the establishment of the constitution of the United States, were merely, provisional, and subject to revision and correction as soon as such rules should be adopted. The several states were credited for their supplies, and charged for the advances made to them by Congress, but no settlement of their accounts could be made, for the want of a rule of apportionment, until the establishment of the constitution.

When the general convention that formed the constitution took this subject into their consideration, the whole question was once more examined, and while it was agreed that all contributions to the common treasury should be made according to the ability of the several states to furnish the same, the old difficulty recurred in agreeing upon a rule whereby such ability should be ascertained, there being no simple standard by which the ability of individuals to pay taxes can be ascertained. A diversity in the selection of taxes has been deemed requisite to their equalization. Between communities, this difficulty is less considerable, and although the rule of relative members would not accurately measure the relative wealth of nations; in states in the circumstances of the United States, whose institutions, laws and employments, are so much alike, the rule of number is probably as nearly equal, as any other simple rule. A practicable rule can be expected to be (though between the old and new states its equity is defective,) these considerations added to the approbation, which had already been given to the rule, by a majority of the states, induced the convention to agree, that direct taxes should be apportioned among the states, according to the whole number of free persons, and three fifths of the slaves which they might respectively contain.

The rule for apportionment of taxes, is not necessarily the most equitable rule, for the apportionment of representatives, among the states; property must not be disregarded in the composition of the first rule, but, frequently is overlooked in the establishment of the second; a rule which might be disapproved in respect to representatives, one individual possessing twice as much property as another,

might be required to pay double the taxes of such other; but no man has two votes to another; one rich or poor, each has but a single vote in the choice of representatives.

In the dispute between England and the colonies, the latter denied the right of the former to tax them, because they were not represented in the English parliament. They contended, that according to the law of the land, taxation and representation were inseparable. The rule of taxation being agreed upon by the convention, it is possible that the maxim with which we successfully opposed the claim of England, may have had an influence in procuring the adoption of the same rule for the apportionment of representatives; the true meaning, however, of this principle of the English constitution, is, that a colony or district is not to be taxed which is not represented; not that its number or representatives shall be ascertained by its quota of taxes. If three fifths of the slaves are virtually represented, or their owners obtain a disproportionate power in legislation, and in the appointment of the president of the United States, why should not other property be virtually represented, and its owners obtain a like power in legislation, and in the choice of the president? Property is not confined to slaves, but exists in houses, stores, ships, capital in trade and manufactures. To secure to the owners of property in slaves, greater political power than is allowed to the owners of other and equivalent property, seem to be contrary to our theory of the equality of personal rights, inasmuch as the citizens of some states thereby become entitled to other and greater political power, than the citizens of other states. The present house of representatives consists of one hundred and eighty one members, which are apportioned among the states in a ratio of one representative for every thirty five thousand federal numbers, which are ascertained by adding to the whole number of free persons, three fifths of the slaves. According to the last census the whole number of slaves within the U. States was 1,191,364, which entitled the states possessing the same, to twenty representatives, and twenty presidential electors more than they would be entitled to, were the slaves excluded. By the last census, Virginia contained 582,104 free persons and 392,518 slaves. In any of the states where slavery is excluded, 582,104 free persons would be entitled to elect only sixteen representatives; while in Virginia, 582,104 free persons, by the addition of three-fifths of her slaves, become entitled to elect, and do in fact elect, twenty-three representatives, being seven additional ones on account of her slaves. Thus, while 35,000 free persons are requisite to elect one representative in a state where slavery is prohibited, 25,559 free persons in Virginia, may and do elect a representative; so that five free persons in Virginia, have as much power in the choice of representatives to Congress, and in the appointment of presidential electors, as seven free persons in any of the states in which slavery does not exist.

This inequality in the apportionment of representatives was not misunderstood at the adoption of the constitution—but as no one anticipated the fact that the whole of the revenue of the United States would be derived from indirect taxes, (which cannot be supposed to spread themselves over the several states according to the rule of the apportionment of direct taxes) but it was believed that a part

of the contribution to the common treasury would be apportioned among the states by the rule for the apportionment of representatives. The states in which slavery is prohibited, ultimately, though with reluctance, acquiesced in the disproportionate number of representatives and electors that was secured to the slave-holding states. The concession was, at the time, believed to be a great one, and has proved to have been the greatest which was made to secure the adoption of the constitution.

Great, however, as this concession was, it was definite, and its full extent was comprehended. It was a settlement between the original thirteen states. The considerations arising out of their actual condition, their part connexion, and the obligation which all felt to promote a reformation in the federal government, were peculiar to the time and to the parties; and are not applicable to the new states, which congress may now be willing to admit into the union.

The equality of rights, which includes an equality of burdens, is a vital principle in our theory of government, and its jealous preservation is the best security of public and individual freedom, the departure from this principle in the disproportionate power and influence, allowed to the slave-holding states, was a necessary sacrifice to the establishment of the constitution. The effect of this concession has been obvious in the preponderance which it has given to the slave-holding states, over the other states. Nevertheless, it is an ancient settlement, and faith and honor stand pledged not to disturb it. But the extension of this disproportionate power to the new states would be unjust and odious. The states whose power would be abridged, and whose burdens would be increased by the measure, cannot be expected to consent to it; and we may hope that the other states are too magnanimous to insist on it.

The existence of slavery impairs the industry and the power of a nation; and it does so in proportion to the multiplication of its slaves: where the manual labor of a country is performed by slaves, labor dishonors the hands of freemen.

If her laborers are slaves, Missouri may be able to pay money taxes, but will be unable to raise soldiers, or to recruit seamen, and experience seems to have proved that manufactures do not prosper where the artificers are slaves. In case of foreign war, or domestic insurrection, misfortunes from which no states are exempt, and against which all should be seasonably prepared, slaves not only do not add to, but diminish the faculty of self-defence; instead of increasing the public strength, they lessen it, by the whole number of free persons, whose place they occupy, increased by the number of freemen that may be employed as guards over them.

The motives for the admission of new states into the union, are the extension of the principles of our free government, the equalizing of the public burdens, and the consolidation of the power of the confederated nation. Unless these objects be promoted by the admission of new states, no such admission can be expedient or justified.

The states in which slavery already exists are contiguous to each other: they are also the portion of the United States nearest to the European colonies in the West Indies; colonies whose future condition can hardly be regarded as problematical. If Missouri and the other states that may be formed to the west of the river Mississippi are permitted

to introduce and establish slavery, the repose, if not the security of the union may be endangered; all the states south of the river Ohio and west of Pennsylvania and Delaware will be peopled with slaves and the establishment of new states west of the river Mississippi will serve to extend slavery instead of freedom over that boundless region.

Such increase of the states, whatever other interests it may promote, will be sure to add nothing to the security of the public liberties; and can hardly fail hereafter to require and produce a change in our government.

On the other hand, if slavery be excluded from Missouri, and the other new states which may be formed in this quarter, not only will the slave markets be broken up, and the principles of freedom be extended and strengthened, but an exposed and important frontier will present a barrier, which will check and keep back foreign assailants, who may be as brave, and, as we hope, will be as free as ourselves. Surrounded in this manner by connected bodies of freemen, the states where slavery is allowed will be made more secure against domestic insurrection, and less liable to be affected by what may take place in the neighboring colonies.

It ought not to be forgotten, that the first and main object of the negotiation which led to the acquisition of Louisiana, was the free navigation of the Mississippi; a river that forms the sole passage from the western states to the ocean. This navigation, although of general benefit, has been always valued and desired, as of peculiar advantage to the western states; whose demands to obtain it, were neither equivocal nor unreasonable. But with the river Mississippi, by a sort of coercion, we acquired by good or ill fortune, as our future measures shall determine, the whole province of Louisiana. As this acquisition was made at the common expense, it is very fairly urged that the advantage to be derived from it should also be common. This it is said will not happen, if slavery be excluded from Missouri, as the citizens of states where slavery is permitted will be shut out, and none but citizens of states where slavery is prohibited can become inhabitants of Missouri.

But this consequence will not arise from the proposed exclusion of slavery, the citizens of states, in which slavery is allowed, like all other citizens, will be free to become inhabitants of the Missouri, in like manner as they have become inhabitants of Ohio, Indiana and Illinois, in which slavery is forbidden. The exclusion of slaves from Missouri, will not therefore operate unequally among the citizens of the United States. The constitution provides, "that the citizens of each state shall be entitled to enjoy all the rights and immunities of citizens of the several states"—every citizen may therefore remove from one to another state, and there enjoy the rights and immunities of its citizens.—The proposed provision excludes slaves, not citizens, whose rights it will not, and cannot impair.

Besides there is nothing new or peculiar in a provision for the exclusion of slavery; it has been established in the states north-west of the river Ohio, and has existed from the beginning in the old states where slavery is forbidden. The citizens of states where slavery is allowed, may become inhabitants of Missouri, but cannot hold slaves there, nor in any other state where slavery is prohibited. As well might the laws prohibiting slavery in the old states become the subject of complaint, as the proposed exclusion of slavery in Missouri; but

there is no foundation for such complaint in either case. It is further urged, that the admission of slaves into Missouri would be limited to the slaves who are already within the United States; that their health and comfort would be promoted by their dispersion, and that their numbers would be the same, whether they remain confined to the states where slavery exists, or are dispersed over the new states that may be admitted into the Union.

That none but domestic slaves would be introduced into Missouri, and the other new and frontier states, is most fully disproved by the thousands of fresh slaves, which, in violation of our laws, are annually imported into Alabama, Louisiana and Mississippi.

We may renew our efforts, and enact new laws with heavier penalties, against the importation of slaves: the revenue cutters may more diligently watch our shores, and the naval force may be employed on the coast of Africa, and on the ocean to break up the slave trade—but these means will not put an end to it; so long as markets are open for the purchase of slaves, so long they will be supplied; and so long as we permit the existence of slavery in our new and frontier states, so long slave markets will exist. The plea of humanity is equally inadmissible; since no one who has ever witnessed the experiment, will believe, that the condition of slaves is made better by the breaking up, and separation of their families, nor by their removal from the old states to the new ones; and the objection to the provision of the bill, excluding slavery from Missouri, is equally applicable to the like prohibitions of the old states: these should be revoked in order that the slaves, now confined to certain states, may, for their health, and comfort, and multiplication, be spread over the whole nation.

That the condition in slaves within the United States has been improved, and the rigours of slavery mitigated, by the establishment and progress of our free governments, is a fact that imparts consolation to all who have taken pains to inquire concerning it. The disproportionate increase of free persons of colour, can be explained only by the supposition that the practice of emancipation is gaining ground; a practice which there is reason to believe would become more general, if a plan could be devised by which the comfort and morals of the emancipated slaves could be satisfactorily provided for; for it is not to be doubted that public opinion every where, and especially in the oldest state of the Union, is less favorable than formerly to the existence of slavery. Generous and enlightened men in the states where slavery exists, have discovered much solicitude on the subject: a desire has been manifested that emancipation might be encouraged by the establishment of a place, or colony without the United States, to which free persons of colour might be removed; and great efforts for that purpose are making, with a corresponding anxiety for their success. These persons enlightened and humane as they are known to be, surely will be unwilling to promote the removal of the slaves from the old states, to the new ones; where their comforts will not be multiplied, and where their fetters may be revived forever.

Slavery cannot exist in Missouri without the consent of congress; the question may therefore be considered, in certain lights, as a new one, it being the first instance in which an enquiry respecting slavery, in a case so free from the influence of

the ancient laws, usages and manners of the country, has come before the senate.

The territory of Missouri is beyond our ancient limits, and the inquiry whether slavery shall exist there, is open to many of the arguments that might be employed, had slavery never existed within the United States. It is a question of no ordinary importance. Freedom and slavery are the parties which stand this day before the senate; and upon its decision the empire of the one or the other will be established in the new state which we are about to admit into the union.

If slavery be permitted in Missouri, with the climate, and soil, and in the circumstances of this territory, what hope can be entertained that it will ever be prohibited in any of the new states that will be formed in the immense region west of the Mississippi. Will the co-extensive establishment of slavery and of new states throughout this region, lessen the danger of domestic insurrection, or of foreign aggression? Will this manner of executing the great trust of admitting new states into the Union, contribute to assimilate our manners and usages, to increase our mutual affection and confidence, and to establish that equality of benefits and burthens which constitutes the true basis of our strength and union?—Will the militia of the nation, which must furnish our soldiers and seamen, increase as slaves increase, will the actual disproportion in the military service of the nation be thereby diminished, a disproportion that will be, as it has been, readily borne, as between the original states, because it arises out of their compact of union, but which may become a badge of inferiority, if required for the protection of those who, being free to choose, persist in the establishment of maxims, the inevitable effect of which will deprive them of the power to contribute to the common defence, and even of the ability to protect themselves. There are limits within which our federal system must stop; no one has supposed that it could be indefinitely extended—we are now about to pass our original boundary; if this can be done without affecting the principles of our free government, it can be accomplished only by the most vigilant attention to plant, cherish and sustain the principles of liberty in the new states that may be formed beyond our ancient limits: with our utmost caution in this respect, it may still be justly apprehended that the general government must be made stronger as we become more extended.

But if, instead of freedom, slavery is to prevail, and spread as we extend our dominion, can any reflecting man fail to see the necessity of giving to the general government greater powers, to enable it to afford the protection that will be demanded of its powers that will be difficult to control, and which may prove fatal to the public liberties.

THE COURAGE OF CAESAR. BY L. HUNTLEY

Once o'er a dangerous sea with weary oar,
A feeble bark the mighty Caesar bore,
The tempest roar'd the trembling steersman fear'd,
When thus a firmer tone his spirit cheer'd;
"Fear not, O Pilot! brave the stormy sea,
"Thou' hastest Caesar, and his fate, with thee."
So thou, O Christian, when thy helm is lost,
And on the sea of life thy bark is tost;
Fear not the billows hoarse, or tempest dark,
For thy Redeemer guides the cleaving bark.